



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

1 Joseph Daniel Fernandez (GUARD/P) Case No. 13CEPR01025

Petitioner: Isabel Mary Cedillo (pro per)

Petition for Visitation

		ISABEL CEDILLO , paternal grandmother, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		ANNETTE FERNANDEZ , maternal grandmother, was appointed guardian on 1/23/14.	1. Need Notice of Hearing.
Cont. from			2. Need proof of service of the Notice of Hearing on: a. Annette Fernandez (guardian)
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Mail	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: KT
Reviewed on: 10/11/16
Updates:
Recommendation:
File 1- Fernandez

2

Status RE: Administration and Filing of the Inventory and Appraisal

DOD: 2/24/15	SPECIAL ADMIN EXPIRES 10/17/16	NEEDS/PROBLEMS/COMMENTS:
	The PUBLIC ADMINISTRATOR was appointed Special Administrator on 4/18/16, and Administrator on 6/13/16.	
	At hearing on 6/13/16, the Court set this status hearing re filing the I&A.	1. Need status report from PA pursuant to Local Rule 7.5.
Aff.Sub.Wit.	Due to various issues re this matter, the PA submitted and the Court issued further Letters of Special Administration rather than general administration. See below note re history.	2. If full administration will be completed, need publication for jurisdiction pursuant to Probate Code §8120.
Verified		3. If full administration will be completed, need Final Inventory and Appraisal pursuant to Probate Code §8800.
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Status RE: Receipt for Blocked Account

		<p>AMALIA ALVAREZ, Mother, was appointed Guardian of the Estate on 4/4/16 with bond of \$422,400.00 and all funds placed into a blocked account.</p> <p>At the hearing on 4/4/16, the Court set this status hearing re receipt for blocked account.</p> <p>Per Minute Order 6/13/16, funds must be deposited in a blocked account. The Court does not order bond at this time. Letters may issue.</p> <p>Letters issued 6/21/16.</p> <p>Note: Minute Order 4/4/16 states: The Court orders funds be placed into a blocked account upon receipt. This Court would be open to investment of the funds in the future, and would be looking for Counsel to provide specifications/projections with regard to the investment.</p> <p>Declaration of Petitioner Amalia Alvarez in Support of Request for Monthly Support Payable from Minor's Estate Funds; Costs and Expense Reimbursement for Petitioner; Attorney's Fees and Cost Reimbursement for Attorney was filed 7/28/16.</p> <p style="text-align: center;"><u>SEE PAGE 2</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 9/12/16:</u> Counsel requests 30 days.</p> <p><u>Minute Order 8/1/16:</u> Counsel represents that she is looking into investments for the funds; the Court will allow the funds to remain as deposited for now. Counsel is to provide additional information regarding justification of the requested monthly support. The Court approves the attorney fees, and the \$52 in costs for certified copies, but does not allow the \$30 for Odyssey filing fees. Counsel will submit an order. (Order signed 8/5/16.)</p> <p><u>Note:</u> The following issue remains noted for reference:</p> <p>1. Receipt filed 7/26/16 reflects \$340,005.00 was deposited to a blocked account at EECU. I&A filed concurrently reflects this amount as well.</p> <p>However, the balance is over the FDIC limit of \$250,000.00 (see Probate Code §2453 re insured account).</p> <p>Additionally, Petitioner originally estimated the amount the minor was to receive at \$384,000.00, but the amount deposited was only \$340,005.00.</p> <p>Therefore, Need clarification re the deposit amount; and need funds broken up so accounts do not exceed insurance limits.</p>
Cont. from 051616, 061316, 071816, 080116, 091216			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: skc	
		Reviewed on: 10/11/16	
		Updates:	
		Recommendation:	
		File 14- Walker	

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Declaration filed 7/28/16 states at the time of Kaliah's birth, she was dating and living with Kaliah's father, Michael Walker. Although Petitioner worked full time after the first few months of her birth, Mr. Walker provided the majority of financial support for the family.

Petitioner states she has another daughter, Alexis Abarca, whose biological father is alive and they share custody 50/50. Due to that timeshare, and the fact that they make approximately the same amount of money, neither pays support to the other, and they share costs equally for Alexis.

However, Mr. Walker, as the live-in male in the house, had taken seriously the duties of Alexis' father in all ways, including her financial support. He worked full time and brought in a monthly average of between \$4,000-\$6,000 per month, which he used to support the family.

Mr. Walker died in a motor vehicle accident on 7/25/14, and Petitioner has attempted to support herself and the girls on her salary alone of approx. \$2,440 per month. She also receives a monthly stipend of \$1,049.00 per month from Social Security on Kaliah's behalf for her deceased father.

Petitioner filed an Income and Expense declaration on 5/10/16 showing her expenses are approx.. \$3,484.00 per month. After taxes from her gross pay, the net and social security barely allow her to support the girls, especially as they are growing and need clothing, school supplies, extracurricular activities, medical assistance, etc.

Petitioner states she realizes that the monies received on behalf of Kaliah in her minor's account are from the proceeds of Mr. Walker's accidental death policy and are for her future; however, he was too young to realize that by leaving the policy beneficiary directly in Kaliah's and Alexis' names, the funds would not be given to her to help raise them. This was not his intention as he told her many times that she didn't have to worry about raising the girls if something were to happen to him.

Since the gross amount that Michael brought in was in excess of \$4,000-\$6,000 per month, Petitioner asks the Court to award her support from Kaliah's account to assure that she is afforded the best opportunities she can afford.

They currently do not live in a very good area. Petitioner would like to move to a better school district and needs support to do that. **She is asking for \$2,000.00 per month from Kaliah's funds to assist with her support.**

Petitioner also requests reimbursement of the filing fee of \$435.00, which she paid from her own funds.

Petitioner states her attorney, Linda Durost, has prepared documents to initiate this guardianship and has been kind enough to charge a minimal charge of **\$1,800.00 as a flat fee**, plus **\$30.00 for Odyssey** filing fees and **\$52.00 for certified copies** of the father's death certificate. Petitioner requests to pay the attorney's fees and costs.

Status RE: Receipt for Blocked Account

		<p>AMALIA ALVAREZ, Mother, was appointed Guardian of the Estate on 4/4/16 with bond of \$102,000.00 and all funds placed into a blocked account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 9/12/16:</u> Counsel requests 30 days.</p>
		<p>At the hearing on 4/4/16, the Court set this status hearing re receipt for blocked account.</p>	<p><u>Minute Order 8/1/16:</u> Counsel is to provide additional information regarding justification of the requested monthly support. The Court approves the attorney fees. Counsel will submit an order. (Order signed 8/5/16.)</p>
Cont. from 051616, 061316, 071816, 080116, 091216		<p>Per Minute Order 6/13/16, funds must be deposited in a blocked account. The Court does not order bond at this time. Letters may issue.</p>	<p>Note: The following issue remains noted for reference:</p>
Aff.Sub.Wit.		<p>Letters issued 6/21/16.</p>	<p>2. Receipt filed 7/26/16 reflects \$85,000.00 was deposited to a blocked account at EECU.</p>
Verified			
Inventory		<p>Note: Minute Order 4/4/16 states: The Court orders that the funds be placed into a blocked account upon receipt. This Court would be open to investment of the funds in the future, and would be looking for Counsel to provide specifications/projections with regard to the investment. The issue of bond is taken under advisement by the Court. Counsel may provide additional justification regarding the support issue in this matter.</p>	<p>I&A filed concurrently reflects this amount as well.</p>
PTC			
Not.Cred.		<p>Declaration of Petitioner Amalia Alvarez in Support of Request for Monthly Support Payable from Minor's Estate Funds; Costs and Expense Reimbursement for Petitioner; Attorney's Fees and Cost Reimbursement for Attorney was filed 7/28/16.</p>	<p>However, Petitioner originally estimated that the minor was to receive at \$96,000.00.</p>
Notice of Hrg			
Aff.Mail		<p>SEE PAGE 2</p>	<p>The Court may require clarification regarding the amount deposited.</p>
Aff.Pub.			
Sp.Ntc.		<p>Reviewed by: skc</p>	<p>Reviewed on: 10/11/16</p>
Pers.Serv.			
Conf. Screen		<p>Updates:</p>	<p>Recommendation:</p>
Letters			
Duties/Supp		<p>File 15- Abarca</p>	
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

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Declaration filed 7/28/16 states she shares 50/50 custody of Alexis with Alexis's father, Octavio Abarca. Because they make approx. the same wages and share custody, neither pays support to the other. They do their best to share expenses, but sometimes Petitioner ends up paying more than he does.

Petitioner has another daughter, Kaliah Walker, whose father is deceased. Mr. Walker was the live-in male in the house and had taken seriously the duties of Alexis' father in all ways, including her financial support. He worked full time and brought in a monthly average of \$4,000-\$6,000 per month, which he used to support the entire family. The funds in Alexis' minor's account were proceeds from an accidental death policy that Mr. Walker carried on himself in case of disability or death.

Mr. Walker died in a motor vehicle accident on 7/25/14, and Petitioner has attempted to support herself and the girls on her salary alone of approx. \$2,440 per month gross.

Petitioner filed an Income and Expense declaration on 5/10/16 showing her expenses are approx.. \$3,484.00 per month. After taxes from her gross pay, the net and social security barely allow her to support the girls, especially as they are growing and need clothing, school supplies, extracurricular activities, medical assistance, etc.

Petitioner states she realizes that the monies received on behalf of Alexis in her minor's account are from the proceeds of Mr. Walker's accidental death policy and are for her future. However, she believes it was Michael's intent that she would receive the funds to help raise them. He told her many times that she would not have to worry about raising the girls if something were to happen to him. She doesn't think he really understood that the effect of the beneficiary designation forms for his insurance would be distributed in the manner that they are.

Since the gross amount that Michael brought in was in excess of \$4,000-\$6,000 per month, Petitioner asks the Court to award her support from Alexis' account to assure that she is afforded the best opportunities she can afford.

They currently do not live in a very good area. Petitioner would like to move to a better school district and needs support to do that. **She is asking for \$500.00 per month from Alexis' funds to assist with her support.**

Petitioner also requests reimbursement of the filing fee of \$435.00, which she paid from her own funds.

Petitioner states her attorney, Linda Durost, has prepared documents to initiate this guardianship and has been kind enough to charge a minimal charge of **\$1,800.00 as a flat fee**. Petitioner requests to pay the attorney's fee.

Petitioner

Brown, Bobbiette (Pro Per – Daughter – Petitioner)

Petition for Appointment of Probate Conservator of the Person

			See petition for details.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 8/1/16:</u> Continued for reciprocal investigation. The following issues remain noted: 1. Need advisement of rights and investigation per Probate Code §§ 1823, 1826. 2. Need video receipt per Local Rule 7.15.8.A.
Cont. from 061616, 080116				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	W		
	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt	X		
	CI Report	X		
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 10/11/16	
			Updates:	
			Recommendation:	
			File 16- Brown	

Petition to Determine Succession to Real Property

DOD: 2/9/2001	MARY ESPINOSA , daughter, is petitioner	NEEDS/PROBLEMS/COMMENTS:
	40 days since DOD	Continued to 11/14/2016 @ request of petitioner.
	No other proceedings	
Cont. from 091216	I&A - \$55,000.00	Need AMENDED petition based on but not limited to the following issues:
<input type="checkbox"/> Aff.Sub.Wit.	Decedent died intestate	
<input checked="" type="checkbox"/> Verified	Petitioner requests court determination that decedent's 100% interest in real property located at: 414 S. Backer Avenue, Fresno, CA passes to petitioner in its entirety.	1. Case was opened with a fee waiver. Court fees are considered costs of administration; therefore, fees must be paid prior to an order being signed.
<input type="checkbox"/> Inventory		2. Attachment 14 of petition indicates that decedent was survived by four adult children. All heirs entitled to succeed to decedent's real property must petition together. (Prob C§ 13152(a))
<input type="checkbox"/> PTC		3. Items 9a(1),(2) of the petition were not answered regarding if decedent was survived by a spouse.
<input type="checkbox"/> Not.Cred.		4. Items 9a(3),(4) of the petition were not answered regarding if decedent was survived by a registered domestic partner.
<input type="checkbox"/> Notice of Hrg	x	5. Items 9a(7),(8) of the petition were not answered regarding if decedent was survived by issue of predeceased child.
<input type="checkbox"/> Aff.Mail	x	6. Need Attachment 11 to petition containing the legal description of the real property and its APN number, and decedent's interest in the real property.
<input type="checkbox"/> Aff.Pub.		7. Item 5 of the inventory and appraisal is incomplete regarding the property tax certificate.
<input type="checkbox"/> Sp.Ntc.		8. Need proof of service of <i>Notice of Hearing</i> with at least 15 days notice on all parties listed on item 14 of petition. (Prob C§ 13153)
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		Reviewed by: SEF
<input type="checkbox"/> Status Rpt		Reviewed on: 10/11/2016
<input type="checkbox"/> UCCJEA		Updates:
<input type="checkbox"/> Citation		Recommendation:
<input type="checkbox"/> FTB Notice		File 19- Banuelos